

U.S.A. vs FRANCISCO ESPARZA-GUTIERREZ

No. 08CR416-LAB

The Court finds excludable delay, under the section indicated by check (  ), commenced on 2-26-08 and ended on 3-24-08. (X7,xt1)

3161(h)

(1) (A) Exam or hrg for **mental or physical incapacity**  
 (1) (B) **NARA examination** (28:2902)  
 (1) (D) State or Federal trials or **other charges pending**  
 (1) (E) **Interlocutory appeals**  
 (1) (F) **Pretrial motions** (from flg to hrg or other prompt dispo)  
 (1) (G) **Transfers from other district** (per FRCrP 20, 21 & 40)  
 (1) (J) **Proceedings under advisement** not to exceed thirty days  
 Misc proc: Parole or prob rev, deportation, **extradition**  
 (1) (H) **Transportation** from another district or to/from examination or hospitalization in ten days or less  
 (1) (I) Consideration by Court of **proposed plea agreement**  
 (2) **Prosecution deferred** by mutual agreement  
 (3) (A) (B) **Unavailability of defendant or essential witness**  
 (4) Period of **mental or physical incompetence** of defendant to stand trial  
 (5) Period of **NARA commitment or treatment**  
 (6) **Superseding indictment and/or new charges**  
 (7) **Defendant awaiting trial of co-defendant** when no severance has been granted  
 (8) (A) (B) **Continuances** granted per (h)(8)-use "T" alone if more than one of the reasons below are given in support of continuance  
 (8) (B) (I) 1) Failure to grant a **continuance** in the proceeding would result in a **miscarriage of justice** and the ends of justice outweigh the best interest of the public and the defendant in a speedy trial.  
 (Continuance - miscarriage of justice)  
2) Failure to grant a **continuance** of the trial would result in a miscarriage of justice as the defendant has tendered a guilty plea to a magistrate judge and is awaiting a determination as to whether the plea will be accepted.  
 (Continuance - tendered a guilty plea)  
 (8) (B) (ii) 2) **Case unusual or complex**  
 (8) (B) (iii) 3) **Indictment following arrest cannot be filed** in thirty (30) days  
 (8) (B) (iv) 4) **Continuance** granted in order to obtain or substitute counsel, or give reasonable time to prepare  
 (Continuance re counsel)  
 3161(I) Time up to **withdrawal of guilty plea**  
 3161(b) **Grand jury indictment time extended** thirty (30) more days

Date 2/26/08

  
Judge's Initials

A  
B  
C  
D  
E  
F  
G  
H  
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I  
M  
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O  
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T  
T1

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T3  
T4  
U  
W